

IN THE HIGH COURT OF KARNATAKA OF KARNATAKA

Dated this the 8th day of June 1998

B e f o r e

THE HON'BLE MR. JUSTICE CHANDRASHEKARAI AH

W.P.No:6327/1998

BETWEEN:

D.P.Naveen Kumar, major, s/o.
Panchaksharappa, M.E.N.Complex,
Durgi Gudi, Shimoga.

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... Petitioner;

(By Sri. A.K.Subbaiah)

AND:

The Commissioner, Shimoga Town
Municipality, Shimoga.

... Respondent;

(By Sri. ~~M.K.Maheshwamy~~
B.B.Bajentri)

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Writ Petition is filed under Art.226 of the Consti-
tution praying to quash the endorsement dated 4-2-1998
(Annexure-A), and etc.

This petition coming on for preliminary hearing in
B group this day, the Court made the following:-

O R D E R

The petitioner filed an application for grant of
licence to do business in lottery in premises No.144,
141 and 122/2, behind Nehru road, Durgi Gudi, Shimoga
town. The said application was rejected as per
endorsement dated 4-2-1998 (Annexure-A). This endorse-

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ment is challenged in this petition.

2) The learned counsel for the petitioner submitted that the premises taken by the petitioner is in a commercial area and this fact has not been considered by the respondent. It is further submitted that before rejecting the application the respondent has not afforded an opportunity to the petitioner.

3) By a perusal of the impugned endorsement, it is clear that the respondent has not considered whether the area in which the petitioner intends to carry on the business is a commercial zone or a residential zone. Further, no opportunity is afforded by the respondent to the petitioner before rejecting the request for grant of licence. Therefore, in my opinion, the matter requires reconsideration.

4) Accordingly, writ petition is allowed; the impugned endorsement Annexure-A dated 4-2-1998 is quashed and the matter is remitted to the respondent to dispose of the matter afresh after due notice to the petitioner.



Hsf.

Sd/-
JUDGE